

Application No. 09/657,154  
Amdt. Dated August 20, 2003  
Reply to Office Action of March 20, 2003

#### REMARKS

The application has been carefully reviewed in light of the Final Rejection dated March 20, 2003. In response to the rejection, the specification has been amended for clarity and no new matter has been added thereto. Further, claims 1, 2, 6-8, 10-20, 22, 23, 27-29, 33, 37-40, 44-49, 51 have been amended. Claims 1, 2, 6-23, 27-29, 33, 37-40, 44-49 and 51 remain pending in this case.

The specification stands objected to under 35 U.S.C. § 112, first paragraph as being unclear. The specification has been amended in response to this rejection and is now in full compliance with § 112.

Claims 1, 6, 7, 22, 27, 28, 33 and 51 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lipps et al. (U.S. Patent No. 5,741,182). Applicants respectfully traverse the rejection and request reconsideration.

Amended claims 1, 6, 28 and 33 each recite "detect[ing] a trace of the operation device moved by the game player, the trace being made by connecting successive spatial positions of the operation device." Claims 1, 6, 28 and 33 further recite controlling the game "based on the [detected] trace of the operation device." Amended claim 51 recites "detecting a trace of the operating means moved by the game player, the trace being made by connecting successive spatial positions of the operating means." Claim 51 also recites controlling the game "based on the detected trace of the operating means." Lipps does not disclose any of these limitations.

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Rather, Lipps, to the contrary, discloses merely the detection of whether a baseball bat 46 passes through a specific spatial area and the timing with which the bat passes through the area. Lipps says nothing about detecting a trace of an operation device moved by the gamer player where the trace is made by connecting successive spatial positions of the operation device, much less controlling the game operation based on the detected trace of the operation device. At least for these reasons, claims 1, 6, 28, 33 and 51 are allowable over Lipps. Claims 7, 22 and 27 depend from claims 1 and 6 and are allowable over Lipps at least for the reasons mentioned above and also because Lipps does not teach or suggest their respective inventive combinations.

Claims 44-49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Suzuki et al. (U.S. Patent No. 6,227,968). Applicants respectfully traverse the rejection and request reconsideration.

Claims 44-49 each recite "detecting a trace of the operation device [being] moved by the game player, the trace being made by connecting successive spatial positions of the operation device."

While Suzuki appears to disclose a device (see e.g., Suzuki at FIG. 2) operated by the game player, there is no discussion of the player controlling movement of the device or of detecting a trace of the operation device as defined by claims 44-49. At least for these reasons, claims 44-49 are allowable over Suzuki.

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Claims 2, 8, 10, 12, 16, 20, 23, 29 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps. Applicants respectfully traverse the rejection and request reconsideration.

Claim 2 recites "a position detector for detecting light from the light emitter at predetermined intervals to detect a trace of the operation device moved by the game player, the trace being made by connecting successive spatial positions of the operation device." Claim 2 also recites "controlling a game, based on the trace of the operation device." As mentioned above, Lipps fails to teach or suggest any of these limitations. Accordingly, claim 2 is allowable over Lipps.

Claim 8 depends from claim 7, which in turn, depends from any one of claims 1, 2 or 6. At least for the reasons discussed above in connection with claims 1, 2 and 6, claim 8 is allowable over Lipps and also because Lipps does not teach or suggest the inventive combination defined by claim 8.

Claims 10, 12, 16, 20, 23 and 40 depend from claims 1, 2, 7 and 8 and are allowable at least for those reasons discussed above in connection with claims 1, 2 and 8 and also because Lipps does not teach or suggest the respective inventive combinations defined by claims 10, 12, 16, 20, 23 and 40.

Claim 29 recites detecting light "at predetermined intervals with an operation device operated by a game player." Claim 29 also recites "detecting a trace of the operation device moved by the game player, the trace being made by connecting successive spatial positions of said operation device; and controlling the game based on

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the detected trace of the operation device.” As described above, Lipps does not teach or suggest any of these limitations. Accordingly, claim 29 is allowable over Lipps.

Claims 9, 11, 13-15, 18, 19, 37-39 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps in view of Suzuki. Applicants respectfully traverse the rejection and request reconsideration.

Claim 9 depends from claim 8, which depends from claim 7, which depends from any one of claims 1, 2 or 6. Claims 1, 2 and 6, described above, each recite limitations not disclosed by the combination of Lipps and Suzuki. Accordingly, at least for the reasons discussed above in connection with claims 1, 2 and 6, claim 9 is allowable over Lipps and Suzuki and also because Lipps and Suzuki do not teach or suggest the inventive combination defined by claim 9.

Claim 11 depends from claim 9. Accordingly, at least for the same reasons mentioned above, claim 11 is allowable over Lipps in view of Suzuki and also because Lipps and Suzuki fail to teach or suggest the inventive combination defined by claim 11.

Claim 13 depends from claim 9 and claim 15 depends from claim 11. At least for those reasons discussed above in connection with claims 9 and 11, claims 13 and 15 are allowable over the combination of Lipps and Suzuki and also because the combination of Lipps and Suzuki does not teach or suggest the respective inventive combinations defined by claims 13 and 15.

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Claim 14 depends from claim 10, which depends from claim 8, which depends from claim 7, which depends from any one of claims 1, 2 or 6. Claims 1, 2 and 6, described above, each recite limitations not disclosed by the combination of Lipps and Suzuki. Accordingly, at least for the reasons discussed above in connection with claims 1, 2 and 6, claim 14 is allowable over Lipps and Suzuki and also because Lipps and Suzuki do not teach or suggest the inventive combination defined by claim 14.

Claims 18, 19 and 37-39 each depend from claim 7, which depends from any one of claims 1, 2 or 6. Claims 1, 2 and 6, described above, each recite limitations not disclosed by the combination of Lipps and Suzuki. Accordingly, at least for the reasons discussed above in connection with claims 1, 2 and 6, claims 18, 19 and 37-39 are allowable over Lipps and Suzuki and also because Lipps and Suzuki do not teach or suggest the respective inventive combinations defined by claim 18, 19 and 37-39.

Claim 44 is described above. Neither Lipps nor Suzuki, taken alone or in combination, teaches or suggests the above-recited limitations of claim 44. At least for this reason, claim 44 is allowable over Lipps and Suzuki.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps in view of Suzuki and further in view of Clear Vision Gaming (CVG). Applicants respectfully traverse the rejection and request reconsideration.

Claim 17 depends from claim 7, which depends from any one of claims 1, 2 or 6. Claims 1, 2 and 6, described above, each recite limitations not disclosed by the combination of Lipps and Suzuki. Claim 17 further recites that "a plurality of players

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operate, and a game is controlled based on respective levels of proficiency between the game players." The CVG reference combined with Lipps and Suzuki does not teach or suggest these limitations. Accordingly, at least for these reasons, claim 17 is allowable over Lipps, Suzuki and CVG.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps in view of Allard (U.S. Patent No. 5,733,193). Applicants respectfully traverse the rejection and request reconsideration.

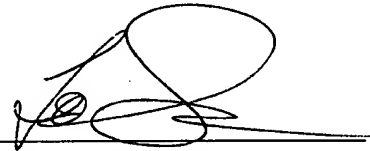
Claim 21 depends from claim 8, which depends from claim 7, which depends from any one of claims 1, 2 or 6. Claims 1, 2 and 6, described above, each recite limitations not disclosed by Lipps. Claim 21 further recites that the "plurality of positions are different from each other corresponding to a height of the game player." While Allard may adjust for game player height, the combination of Lipps and Allard fails to teach or suggest every limitation of claim 21. Accordingly, at least for these reasons, claim 21 is allowable over Lipps and Allard.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. According, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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